

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Warne, *et al.*  
SERIAL NUMBER: 10/663,264 EXAMINER: Bruce D. Hissong  
FILING DATE: September 16, 2003 ART UNIT: 1646  
TITLE: DELAYED RELEASE FORMULATIONS FOR ORAL ADMINISTRATION OF A  
POLYPEPTIDE THERAPEUTIC AGENT AND METHODS OF USING SAME

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the Examiner's February 6, 2008 Office Action rejecting claims 5-12, 17, 19-26, 28-41 and 53-56 in the above-identified application.

Applicants file herewith a petition for a three (3) month extension of time for extending the time for responding to the Office Action.

The Commissioner is hereby authorized to charge the appeal fee in the amount of \$510.00 or any fees required in connection with the papers transmitted herewith, or credit any overpayment of same, to Deposit Account No. 50-0311 (Reference No. 22058-544 (AM100664)).

Respectfully submitted,

/David E. Johnson/  
Ivor R. Elrifi, Reg. No. 39,529  
David E. Johnson, Reg. No. 41,874  
Attorneys for Applicants  
c/o MINTZ, LEVIN  
Tel: (617) 542-6000  
Fax: (617) 542-2241  
**Customer No. 30623**

Dated: August 6, 2008